

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVON EUGENE RAMOS,

Plaintiff,

-against-

NEW YORK CITY POLICE
DEPARTMENT; COUNTY OF BRONX
COURTS; NEW YORK CITY
DEPARTMENT OF CORRECTION
SECURITY DEPARTMENT,

Defendants.

24-CV-8348 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983, alleging that he has been unconstitutionally detained since May 15, 2024. For the following reasons, the complaint is dismissed without prejudice.

Plaintiff has previously submitted to this court a substantially similar complaint against the same Defendants arising out of the same events. That case is pending under docket number 24-CV-8340. Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 24-CV-8340.

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSOIN

The Court dismisses Plaintiff's complaint as duplicative of 24-CV-8340.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: November 4, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge